

**438.311 Unlawful acts by persons under 21 relating to purchase or receipt of tobacco product, alternative nicotine product, or vapor product -- Confiscation.**

- (1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has not attained the age of twenty-one (21) years to purchase or accept receipt of or to attempt to purchase or accept receipt of a tobacco product, alternative nicotine product, or vapor product, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product, alternative nicotine product, or vapor product. It shall not be unlawful for such a person to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of the person's duties.
- (2) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may confiscate the tobacco product, alternative nicotine product, or vapor product of a person under the age of twenty-one (21) who has violated this section. Notwithstanding any provision of law to the contrary, no other penalty shall apply to a person under the age of twenty-one (21) for a violation of this section.

**Effective:** March 26, 2020

**History:** Amended 2020 Ky. Acts ch. 35, sec. 3, effective March 26, 2020. -- Amended 2014 Ky. Acts ch. 111, sec. 3, effective April 10, 2014; and ch. 132, sec. 20, effective July 15, 2014. -- Amended 2014 Ky. Acts ch. 132, sec. 20, effective July 15, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1926, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 17, sec. 1, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 423, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 477, sec. 1, effective July 15, 1998. -- Created 1996 Ky. Acts ch. 38, sec. 4, effective March 5, 1996.